



RESOLUTION NO. 2012-05-02

A RESOLUTION OF THE BOARD OF CLARK COUNTY COMMISSIONERS OF CLARK COUNTY, WASHINGTON TO WAIVE DEVELOPMENT AND SERVICE APPLICATION FEES IN ACCORDANCE WITH SPECIFIED CRITERIA FOR A TEMPORARY PERIOD.

WHEREAS, RCW 82.02.020 authorizes counties to charge an applicant reasonable fees to cover the cost to the county of processing applications, inspecting and reviewing plans, or preparing detailed statements required by the State Environmental Protection Act; and

WHEREAS, the Board of Clark County Commissioners ("Board") adopted Section 30 of Ordinance 1997-12-46, as most recently amended by Section 1 (Att. A § 1) of Ordinance 2009-12-01, and codified as Section 6.100.020 of the Clark County Code ("CCC"), which states the general policy of Clark County ("County") that the departments of community development, public works, and environmental services adopt application and service fees at the level necessary to cover the costs of conducting the review or providing the service; and

WHEREAS, in accordance with RCW 82.02.020 and County policy, the Board has imposed community development, public works, and environmental services application and service fees, as set forth in Title 6 of the CCC; and

WHEREAS, the recession experienced in County since 2008 has caused a significant loss of private sector jobs, an unemployment rate exceeding thirteen percent as reported by the Washington State Department of Economic Security (August 2010), and unemployment consistently exceeding ten percent every month since December 2008 with consequent damaging and debilitating ripple effects throughout every sector of the economy and significant decreases in County tax revenues; and

WHEREAS, because of the 2008-2010 economic recession the construction of industrial, mixed use, business park, commercial retail, and office developments has contracted, resulting in adverse effects on the creation of private sector jobs within the County and negative effects on property, sales, real estate excise, and other forms of County tax revenue that would otherwise flow from development activity; and

WHEREAS, Board desires to spur private sector jobs-producing economic development by waiving certain fees for a temporary period as a key strategic initiative to help reduce business costs and thereby encourage Industrial, Mixed Use, Business Park, Commercial retail, and Office developments within the County; and

WHEREAS, following its own duly advertised public hearing, the Board finds adoption of this resolution to further the public health, and welfare; now, therefore,

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2 BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
3 CLARK COUNTY, STATE OF WASHINGTON as follows:  
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5 SECTION 1. APPLICABILITY

6 A. Definitions. For purposes of this resolution,

7 (1) 'Development' shall mean:

8 (a) A change of use or the construction of an addition requiring Type II Site  
9 Plan Review; or

10 (b) Construction of a new building or buildings that require any type of site,  
11 engineering, or building plan review.

12 B. The following shall receive a one hundred percent (100%) fee waiver:

13 Developments, that Applicants can demonstrate will create and maintain for two years at  
14 least ten (10) full-time equivalent (FTE) jobs and which eventual business or businesses do not engage in  
15 retail sales that are primarily taxable.

16 C. The following shall receive a fifty percent (50%) fee waiver:

17 Developments that Applicants can demonstrate will create and maintain for two years at  
18 least ten (10) full-time equivalent (FTE) jobs and which eventual business or businesses engage in retail  
19 sales that are primarily taxable except as provided in subsection D below.

20 D. This Resolution shall not apply to the following:

21 (1) Development by any type of governmental agency, district or unit; or

22 (2) Development by entities exempt from federal income taxation by Title 26 of the  
23 United States Code, except for entities which directly provide health care-related services.

24 E. Where questions of applicability arise, the Community Development Director shall  
25 determine if the development is applicable.  
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27 SECTION 2. TEMPORARY WAIVER OF CERTAIN FEES

28 A. Qualifying development proposals defined in Section 1.B.(1) above shall be subject to a  
29 100 percent waiver of application and service fees normally imposed by County per CCC Chapter  
30 6.110A.010 Section 1, 2A, 2B and 2D through 2AK, 6.110A.020, 6.110A.030, 6.140, and 6.120 Sections

1 to 9, 10 A, B, and D, and Section 11d, at the time of application, beginning on the effective date of this Resolution through 12:00 p.m. on December 31, 2013.

B. Qualifying development proposals falling into the category of Section 1.C.(1) above, shall only receive a 50% waiver of the application fees set out above.

### SECTION 3. NO INCREASE IN FEES

Fee amounts in accordance with CCC Titles 6 and 40 at the time of adoption of this Resolution shall not be subsequently increased for the purpose of replacing County revenue lost due to fees waived under authority of this Resolution.

### SECTION 4. COMMENCEMENT OF CONSTRUCTION AND JOB CREATION

Applicants receiving fee waivers pursuant to this Resolution must:

A. Obtain approval of the first required building inspection on developments subject to this Resolution no later than July 1, 2014 and diligently pursue construction thereafter.

B. Hire 10 full-time equivalent (FTE) employees within 12 months of the development receiving an occupancy permit and retains the filled positions for a period of at least two (2) years.

C. To satisfy the 10 job requirement, Development hiring must result in a net creation of 10 jobs, not a transfer of jobs from one location to another location.

Applicants failing to meet the requirement of subsection A or B above are required to remit fees waived in accordance with Section 5 of this Resolution.

### SECTION 5. REMITTANCE OF WAIVED FEES

Any Applicant receiving a waiver of fees pursuant to this Resolution who fails to commence and diligently pursue construction and satisfy the job creation requirements required by Section 4 shall remit to County the full monetary value of waiver(s) granted under this Resolution, plus twelve percent interest compounded annually. In the event of a dispute regarding the applicability of this section, the Community Development Director shall make the final decision pursuant to the standards in this Resolution.

### SECTION 6. TERMINATION

1 With the exception of Sections 4 and 5, this Resolution shall terminate at 12:00 p.m. on December,  
2 31, 2013. Sections 4 and 5 shall continue in full force and effect for four years following the  
3 aforementioned termination date.

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5 SECTION 7. PREVIOUSLY APPROVED DEVELOPMENTS UNDER THE 2010-2011 FEE  
6 HOLIDAY

7 The Community Development Director may:

8 A. Extend, up to September 27, 2013, the 'Commencement of Construction' deadline  
9 established in Section 4 of Resolution 2010-10-04. This extension can only be granted for developments  
10 that had one or more permit or review that qualified under the 2010-2011 Fee Holiday program.

11 B. Approve fee waivers for additional permits that relate to an extension as described in A  
12 above.

13 SECTION 8. SEVERABILITY

14 If any part or provision of this Resolution, or its application to any person or circumstance, is held  
15 invalid, it is the intent of the Board that the remainder of this Resolution, or its application of the  
16 provisions to other persons or circumstances, is not affected.

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18 SECTION 9. EFFECTIVE DATE

19 This Resolution shall be in full force and effect June 18<sup>th</sup>, 2012 or after programming necessary to  
20 implement this ordinance is completed.

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22  
23 ADOPTED this 15<sup>th</sup> day of May, 2012.

24  
25 Attest:

BOARD OF CLARK COUNTY COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

26 Rebecca Filton  
27  
28 Clerk to the Board

29 By: Marc Boldt  
30 Marc Boldt, Chair

31 Reviewed as to Form Only

32 ANTHONY GOLIK

1 Prosecuting Attorney

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4 By Christopher Horne,

5 Deputy Prosecuting Attorney

By: \_\_\_\_\_

Tom Mielke, Commissioner

By: \_\_\_\_\_

Steve Stuart, Commissioner